

Contra Costa County
HAZARDOUS MATERIALS COMMISSION

Draft Minutes
June 24, 2021

Members and Alternates Present: Jonathan Bash, Marielle Boortz, Don Bristol, Ken Carlson, Audrey Comeaux, Sara Gurdian, Steve Linsley, Gabe Quinto, Mark Ross, George Smith, Tim Bancroft (alternate), Madeline Kronenberg (alternate), Amy McTigue (alternate), Aaron Winer (alternate)

Absent: Rick Alcaraz, Jim Payne, Fred Glueck (represented by alternate), Mark Hughes (represented by alternate)

Staff: Michael Kent; Matt Kaufmann, Ellen Dempsey, Susan Psara, Cho Nai Cheung, Steve Morioka, Adam Springer, Hazardous Materials Program

Members of the Public: Howard Adams, Leslie Stewart, Dean Columbo

1. Call to Order: Commissioner Smith, filling in for the Chair and the Vice-Chair, called the meeting to order at 4:03 p.m.

Announcements and Introductions:

Michael Kent announced:

- AB 332, the bill to reinstate alternative management standards for Treated Wood Waste, is in the Senate seeking approval.
- The Commission had its annual meeting with Supervisor Gioia on June 16th. The main topic of discussion was the sea level rise survey the Commission is planning, which will be discussed as part of item 7a.
- CAER will be holding their next Safety Summit on July 21st at 9:00 via zoom.
- The Board of Supervisors Sustainability committee will be meeting on June 28th at 1:00 via Zoom.

Commissioner Smith noted that Ellen Dempsey was leaving the Hazardous Materials Program to work in the EH&S Department of an aerospace company in Ohio and thanked her for all her work, especially on the issue of sea level rise.

2. Approval of the Minutes:

A motion was made by Commissioner Smith and seconded by Commissioner Quinto to approve the minutes for the May 27, 2021 meeting with corrections. The motion passed 12-0.

3. Public Comments: None

4. Hazardous Materials Program Director Report

Matt Kaufmann, Hazardous Materials Programs Director, reported:

- Update on Three (3) Incidents of Interest:
 - Chevron Refinery Oil Spill (February 9, 2021) - At the direction of Supervisors Gioia and Glover at the Industrial Safety Ordinance Ad Hoc Committee, the County will hire a third-party incident investigator to review the incident investigation conducted by Chevron Richmond Refinery for this incident. Should any gaps or questions arise from this review of Chevron's investigation that cannot be resolved, the County can always conduct its own incident investigation. At the February 2021 HMC Meeting, the Commission voted unanimously to nominate Fred Glueck to the Oversight Committee (which will include 2 other community members, a City of Richmond Representative, Chevron Rep, Labor Rep, and CCHSHMP). The Oversight Committee has met several times and approved the Request for Proposal and scope of work. Bids from independent 3rd parties are expected to be submitted over the next week. Once received, the Oversight Committee will review the bids, interview potential contractors and make a selection.
 - Chevron Richmond Refinery Fire/Flaring Incident (May 14, 2021) The County was notified through the Community Warning System (Level 1 Incident) of a flaring incident by the Chevron Richmond Refinery at 5:42 AM on the morning of May 14, 2021. As noted on Chevron's 30-day report (<https://cchealth.org/hazmat/pdf/chevron-incident-2021-0514-30day-report.pdf>) the incident is still under investigation. Chevron is required to submit 30-day reports until the investigation is complete.
 - Chevron Richmond Refinery Flaring Incident (May 27, 2021) - At approximately 5:45 PM on May 27th, the refinery experienced a loss of all boilers that were in operation at the time which resulted in a significant loss of steam production throughout the refinery. This resulted in a process plant flaring incident. The flaring began at approximately 6:00 PM. Their team responded to the incident; however, the flaring ceased prior to their arrival on-scene. The refinery submitted a 72-hour report for this incident (<https://cchealth.org/hazmat/pdf/chevron-incident-2021-0527-72hr-report.pdf>). Chevron is investigating the root cause of this incident. A 30-day report is due to their agency on June 29th.
- Hiring one Accidental Release Prevention Engineer – They are hiring one Accidental Release Prevention Engineer. A link to the job description can be found at the link in the chat: <https://www.governmentjobs.com/careers/contracosta/jobs/3011416/accidental-release-prevention-engineer>. The position will be open through July 2, 2021. Please feel free to spread the word regarding this recruitment near and far.
- Hiring two Hazardous Materials Specialist I -They have requested freeze approval to fill two opens positions. They anticipate opening this position in the next few weeks.
- California Environmental Protection Agency (CalEPA) Evaluation - As reported to the commission at previous meetings, they will be going through a Certified Unified Program Agency evaluation by the California Environmental Protection Agency over the next ten (10) months. They had our Kick-Off meeting with CalEPA this week where they

provided an overview of their program, some of the challenges they have faced, and their accomplishments over the last three years. A final exit interview is scheduled in February 2022. He will keep the commission updated on the status and findings from this evaluation.

- Division Strategic Planning - The Hazardous Materials Division leadership met early this month and set strategic goals for their division – as well as the individual programs – for FY 21/22 (July 1, 2021 thru June 30, 2022). They are in the process of finalizing that document. They will be creating a Dashboard for staff to track their progress on these initiatives.
- County Incident Notification Policy - They continue to meet with industry to discuss revisions to the policy – specifically the definition of flaring. There will likely be one more minor revision to the policy prior to routing it to the Board of Supervisors for approval. As a reminder, there will be an educational component for all regulated facilities in their jurisdiction once the BOS approves the revisions.
- Recognition of Ellen Dempsey, Hazardous Materials Specialist II – Mr. Kaufmann wanted to take a moment to recognize Ellen Dempsey (Hazardous Materials Specialist II) of their organization – she announced that she will be leaving the County (last day is next Monday, June 28th) to move to Cleveland, Ohio. Many of you know Ellen because of her involvement in their Adapting to Rising Tides work over the past several years. Ellen has also served as their Hazardous Materials Business Plan and Stormwater Program Lead, she has participated on their hazmat response team – responding to numerous hazmat incidents – she has lead their division's efforts on a new phone application called ChemResponder that will allow them to communicate more efficiently and effectively during a hazmat incident involving air monitoring. Ellen has been a pleasure to work with – she is extremely thoughtful, super smart, has a tremendous amount of passion for her work, and is always smiling. It goes without saying that they will miss Ellen tremendously – and they wish her well on her new adventure in Ohio. Susan Psara (Hazardous Waste Reduction Manager) will be taking over for Ellen with respect to their work on sea level rise.

5. Operations Committee Report:

The Operations Committee met on June 11, 2021. Michael Kent reported that the committee continued to work on language for a survey to find out how the public and community-based organizations view the issue of Sea Level Rise, which will be addressed in item 7.a on the agenda. The committee also evaluated the inaugural internships created by the Commission this year that will be discussed in 8.b. Finally, the committee discussed ways to follow-up the recommendations of the two interns to look into the promotion of lithium-ion battery recycling and pipeline safety around schools and directed staff to research specific issues for both topics.

6. Planning and Policy Development Committee Report:

The Planning and Policy committee did not meet on June 16, 2021 due to only 2 members attending.

7. Old Business:

a) Discuss development of outreach efforts to stakeholders about Sea Level Rise

The Commission began by reviewing the Commission discussion with Supervisor Gioia on June 16th. Michael Kent reported that in that meeting Supervisor Gioia expressed concern with the Commission surveying entities other than businesses that handle hazardous materials. Supervisor Gioia thought that might interfere with efforts by others at the County to conduct similar surveys and that the issue was much broader than just the impacts on businesses handling hazardous materials. As a result, Michael Kent recommended that the Commission limit its survey to just businesses that handle hazardous materials.

Commissioner Smith thought that it might be a good idea to talk to other Supervisors to see if they agree with limiting the survey to just businesses that handle hazardous materials. He also asked if Supervisor Gioia had indicated who should do this type of outreach. Michael Kent said that Supervisor Gioia indicated that it might be the Sustainability Committee and/or the Sustainability Commission, but in any case, it should be done under a larger umbrella. Michael Kent said that Supervisor Glover indicated he agreed with this approach.

Commissioner Bristol said he thought that Supervisor Gioia did bring a up good point which was that the Commission doesn't want to duplicate efforts. He said that sea level rise is not a bright line fit into the area of interest of the Commission and the Commission might not be the best entity to lead this effort.

Commissioner Linsley supported doing a survey of businesses that handle hazardous materials. Commissioner Quinto thought it would be a good idea to talk to Supervisor Andersen, since she is the Chair of the Transportation, Water and Infrastructure committee to see if she is ok with this new approach. Commissioner Boortz agreed, and Commissioner McTigue supported moving forward in this manner as well.

Commissioner Quinto made a motion, seconded by Commissioner Ross, to move forward with conducting a survey of businesses that handle hazardous materials and also to have staff check in with Supervisor Andersen to see if she agrees with this. The motion carried 11 – 1 with Commissioner Bristol voting no.

The Commission also supported targeting the survey to only businesses that handle hazardous materials that are in close proximity to the shoreline and that could be impacted by sea level rise. They also agreed that the survey should be done in such a way that respondents could be anonymous and that respondents should be given 30 days to reply.

8. New Business:

a) Presentation on Nustar fire investigation report

This presentation had to be rescheduled until July due to a scheduling mix up.

b) Discuss continuation of Student Intern Seat

Michael Kent reviewed the discussion that occurred at the Operations committee on this issue. He said that first Kim Balmorez, the Health Careers Pathway staff that has been facilitating the current internships, discussed her own impressions of the internships and what the interns shared about their experiences. She thought they both did well and made good presentations. She also thought it would be better to focus on attracting college students because they have more flexibility in their schedules. She also added that she thought the internships were very beneficial for the students.

She said both interns said they enjoyed the internships and would recommend continuing them. They both liked doing the individual interviews with Commissioners. They thought the flyer could provide more detail about what the internship would entail. They both thought it would be better to start and finish the internships earlier so they wouldn't conflict with finals.

Michael Kent also said that the committee thought the Commission should recruit 2 interns again, because they could support each other, and that Commissioner should be informed as to the topics of research the interns choose so that Commissioners could provide input if the topics are within their areas of expertise. He added that Ms. Balmorez agreed she would try to recruit two interns, and she would begin recruitment right after the committee has a chance to review the updated flyer.

The Commission agreed by consensus to continue to recruit two new student interns for the next school year.

c) Discuss draft informal regulatory framework for addressing community vulnerability and cumulative impacts of hazardous waste facilities per SB 673 requirements.

The Commission heard a brief summary of the proposed regulatory framework from Michael Kent. He reported that this latest version of the framework has seven main elements:

- Community screening to include those that are in the top 40% of Cal EnviroScreen census tracts.
- Tiered regulatory pathway based on facility size.
- Facility actions including improvements, monitoring and community engagement.
- Facilities' workplans becoming part of their permits.
- Establishment of criteria to revoke or deny permits.
- Adjustments for penalties based on specific criteria.

- Updates to data and tools.

Commissioner Smith thought this issue should go back to the Planning and Policy committee for further discussion, and the Commission agreed by consensus.

9. Reports from Commissioners on Matters of Commission Interest:

None

10. Plan Next Agenda:

The Commission will hear presentations about the Nustar facility fire investigation and consider items referred back from committee.

11. Adjournment: The meeting adjourned at 6:00 pm.